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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,530	10/16/2003	Gerald Duhamel	14296-20US	4008
31831 7:	590 09/11/2006		EXAMINER	
	LABTRONIX CONCEPT INC. C/O OGILVY RENAULT		PIERCE, WILLIAM M	
	COLLEGE AVENUE		ART UNIT	PAPER NUMBER
SUITE 1600			3711	
MONTREAL, CANADA	QUEBEC, H3A 2Y3		DATE MAILED: 09/11/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No. 10/686,530 DUHAMEL, GERALD			•					
## Defice Action Summary ## Examiner William M. Pierce 3711 - The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Exemisions of time may be available under the provisions of 3°C FR 1.136(a). In no event, however, may a reply be timely filed. Exemisions of time may be available under the provisions of 3°C FR 1.136(a). In no event, however, may a reply be timely filed or period to reply with the sector extended period for reply with by tabulation period will again and we leave SM (MONTH'S time in the mailing cable of this communication. Parameter by white the sector extended period for reply with by statulation period will again and we leave SM (MONTH'S time in the mailing date of this communication, even if streng filed, may reduce any overlap parent term adjuntant. See 3° CPR 1.79(b). **Status** 1) ★**Responsive to communication(s) filed on 21 June 2006.** 2a) ★**Exponsive to communication(s) filed on 21 June 2006.** 3a) ★**Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Exparte Quayle, 1935 C.D. 11, 453 O.G. 213. **Disposition of Claims** 4) ★**Claim(s) **: Is and 17-19 is/are pending in the application. 4a) Of the above claim(s) **_Is/are rejected.** 7) ★**Claim(s) **: Is/are allowed.** 6) ★**Claim(s) **: Is/are allowed.** 6) ★**Claim(s) **: Is/are allowed.** 10) ★**The specification is objected to by the Examiner.** 10) ★**The specification is objected to by the Examiner.** 10) ★**The specification is objected to by the Examiner.** 10) ★**The above required in the drawing(s) like of the drawing(s) is objected to See 3° CFR 1.121(d).** 11) ★**The above required to the drawing(s) is objected to See 3° CFR 1.121(d).** 11) ★**The above required to the drawing(s) i		Application No.						
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6) Other: ____.

Art Unit: 3711

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 2, 4-6 and 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 02/087713 as set forth in the previous office action.

"Shown is receiving a bet by purchasing a ticket with different configurations, game card 1 with a plurality of areas at 2, randomly selecting a first subset at 4, marking or daubing the game area matrix (abstract, In.10) and designating a winner depending upon a pattern formed (pg. 5, para. 2). His game can be played in electronic or ticket form."

Applicant remarks that the office action does not show where each game card bears "all designations of said set of designations". Presumably this is with respect to the limitation in claim 17 that specifically recites that "each game card bearing all designations of said set of designations." Specifically using the language of claim 17, Eklund shows a game card 1, having a plurality of areas associated with a set of designations (specifically 1, 16, 32, 47, 61, 3, 18, 33, 48, 62, 7,21, 39, 50, 65...72). The game card bears all of the designations (specifically 1, 16, 32, 47, 61, 3, 18, 33, 48, 62, 7,21, 39, 50, 65...72). During patent examination, the claims are given the broadest reasonable interpretation consistent with the specification. See In re Morris, 127 F.3d 1048, 44 USPQ2d 1023 (Fed. Cir. 1997). The application of Eklund to the language of claim 17 is not considered unreasonable.

Claim Rejections - 35 USC § 103

Claims 7-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 02/087713 in view of Luciano 6,368,214 as set forth in the previous office action.

"The play of '713 is includes a single selection or step from a subset of numbers. However, allowing a player to continue selecting and adding additional steps to a game at a cost is taught in bingo type games such as Luciano (col. 8, lns. 46-57). To have allowed a player to have selected added subsets of numbers after additional bets would have been obvious in order to increase the player interaction with the game."

Claims 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over WO 02/087713 in view of Ratzkof 4,046,382. While '713 fails to duplicate indicia on his care, '382 teaches where it is known in the art of bingo type games to have duplicated indicia on a card.

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Conclusion

Applicant's arguments filed 6/21/06 have been fully considered but they are not persuasive as set forth

above in the grounds for rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing

date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and

the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory

period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed

to William Pierce whose telephone number is 571-272-4414 and E-mail address is bill.pierce@USPTO.gov. The

examiner can normally be reached on Monday and Friday 9:00 to 7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Kim can

be reached on 571-272-4463. The fax phone number for the organization where this application or proceeding is

assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or

Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more

information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the

Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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